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VIA ECF

The Honorable Sarah Netburn
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
New York, NY 10007

Re: *Lynne Freeman v. Tracy Deebs-Elkenaney et. al.*, 1:22 Civ 02435 (LLS)(SN)

Dear Judge Netburn:

We represent Defendant Tracy Deebs-Elkenaney (p/k/a Tracy Wolff) and respectfully respond to Plaintiff's February 22, 2023 letter ("Letter," ECF No. 131). Plaintiff's Letter raises incendiary allegations of fraud, claiming that emails were backdated and that a version of Wolff's manuscript for "Tempest Rising" (which is not even at issue in this case) did not exist, and was only created after Plaintiff sent her unpublished manuscript to agent Emily Sylvan Kim in 2010. In support, Plaintiff claims that an unnamed "computer forensics expert" has equivocally stated in unsworn remarks that the foregoing may be "suspicious."

These are serious accusations, and they are untrue. Among many other issues, it is nonsensical that Wolff would manipulate emails involving books that are not at issue in this case, especially given Defendants' belief that all that is needed to resolve this case is a simple side-by-side comparison of the works at issue at summary judgment.

Nevertheless, in light of the serious and technical nature of Plaintiff's allegations, we respectfully request that Wolff be given a full and fair opportunity to investigate the allegations and respond. We accordingly request that, if the Court does not deny Plaintiff's request outright, Wolff be given until and including Friday, March 3 to respond to the Letter. Such response will include sworn declarations from Wolff herself and the e-discovery vendor (Benjamin Rose, President of Carden Rose, Inc.), who collected the documents from Wolff. Plaintiff has consented to an extension to March 1; however, Mr. Rose has informed us he requires until March 3 to investigate Plaintiff's technical allegations and complete his declaration.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Benjamin S. Halperin



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